

REMARKS

Claim 1, et al, has been rewritten as claim 79.

Also, claim 14 has been rewritten in independent form, as claim 80, and therefore, perhaps may be in condition for allowance. Essentially, since claim 14 is dependent from claim 1, it needs to have its fastener sewn onto the container, so that the panels can be engaged or disengaged from the container. It is believed in this condition, the claim should still be allowable.

Claim 21 has been cancelled, since claim 2 contains most of the same limitations.

Claim 56 has also been made independent, as newly added claim 81. It also should be in condition for allowance.

The remaining claims, such as claim 79, which is amended claim 1, and the claims dependent therefrom, such as claim 2-13, still are believed to provide a definition of a collapsible warning device, that includes a container, a series of panels, where the panels can be engaged or disengaged with the container. And, the panels are made of either mesh-like material, fabric, or can be formed of a cloth or flexible plastic, and have a flexible wire frame around the perimeter of each panel. Then, these are connected to the container.

It is believed that none of the prior art shows this type of structure. Hwang may show a warning device, that is apparently clipped onto its container 5, and can fit within its container, but it is just not the type of warning device as shown and described for the current invention. And, Schulze appears to utilize his device more as a portable structure, for sheltering purposes, as can be seen in FIGS. 37-39. It does not appear that any type of a container is used with the Schulze device. This is what is called for in Applicant's claims.

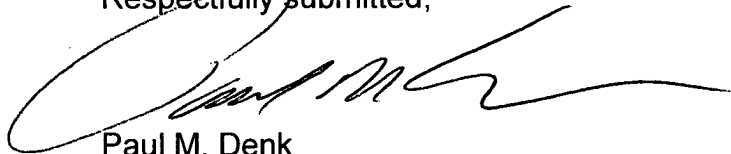
Hence, in view of the definition of the type of panels as used in Applicant's device, it would not appear that Hwang can be applied as anticipatory of Applicant's invention.

Furthermore, since Schulze does not show any type of a container, for use with his device, it is not seen how Schulze can be applied for anticipation purposes.

With respect to the rejection of these claims under Section 103, it is further not seen how Schulze, who has no suggestion whatsoever of applying his device with any type of a storage container, could be mounted onto the base support 2, or the rotatable mounting sheets 3 of Hwang, to come up with any type structure related to what Applicant shows. Due to the lack of suggestion between the two patents, or how one could be used with the other, it is submitted that obviousness is just not present. The Examiner's attention is directed to the case of *In re Geiger*, 815 Fed. 2d 686 (Fed. Cir. 1987), which states that obviousness cannot be established by combining teachings of the prior art to produce the claimed invention, absent some teaching, suggestion, or incentive supporting that combination. It is believed that there is a definite lack of suggestion as to how Schulze, in the first instance, could ever be mounted onto a container such as Hwang. Hwang is a very structural device, and is just not designed for use with flexible types of panels, that can be collapsed, in the manner of Applicant's invention, and how it is claimed.

The Examiner's further review of these claims, as amended, would be appreciated.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Paul M. Denk', with a long horizontal flourish extending to the right.

Paul M. Denk
Attorney for Applicant
Pat. Off. Reg. No. 22,598
763 South New Ballas Road, Ste. 170
St. Louis, Missouri 63141
(314) 872-8136

PMD/lms